

RANDALL L.K.M. ROSENBERG 4847-0
randall@rmhlawhawaii.com
JAMES C. GLENN 10694-0
james@rmhlawhawaii.com

ROSENBERG McKAY HOFFMAN
737 Bishop Street
2350 Mauka Tower, Pacific Guardian Center
Honolulu, Hawaii 96813
Telephone: (808) 536-4270
Facsimile: (808) 533-0434

Attorneys for Plaintiff
Siitia Crichton

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2017 OCT 17 AM 11:45

F. OTAKE
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

SIITIA CRICHTON,

Plaintiffs;

vs.

ROSS DRESS FOR LESS, INC. and JOHN
DOES 1-10,

Defendants.

) Civil No. 17 - 1 - 1686 - 10 KKH
) (Other Non-Motor Vehicle Tort)
)
) COMPLAINT; SUMMONS
)
)
)
)

COMPLAINT

Comes now Plaintiff Siitia Crichton, by and through her attorneys, Rosenberg McKay Hoffman, and for a Complaint against the above-named Defendants alleges and avers as follows:

1. Plaintiff Siitia Crichton (hereinafter "Plaintiff") is, and at all times relevant was, a resident of the City and County of Honolulu, State of Hawaii.

2. Upon information and belief, Defendant Ross Dress For Less, Inc. (hereinafter, "Defendant Ross") currently is, and at all times relevant was, a foreign profit corporation, incorporated in the State of Virginia, and authorized to do business in the City and County of Honolulu, State of Hawaii.

I do hereby certify that this is a full, true, and
correct copy of the original on file in this office.

Exhibit "A"

Clerk, Circuit Court, First Circuit

3. Upon information and belief, Defendant Ross has consented to be sued and to accept service of process in the City and County of Honolulu, State of Hawaii, where it conducts business activities and maintains a retail store at 711 Keeaumoku Street.

4. Defendants JOHN DOES 1-10 (hereinafter referred to as "DOE Defendants") are persons, corporations, partnerships, business entities, non-profit entities, and/or governmental entities who acted in a negligent, wrongful or tortious manner which proximately caused or contributed to injuries and damages sustained by Plaintiff. Plaintiff has been unable to ascertain the names and identities of the above-named DOE Defendants from the investigation that has been conducted to date. Accordingly, Plaintiff has sued the unidentified DOE Defendants herein with fictitious names pursuant to Rule 17(d) of the Hawaii Rules of Civil Procedure, and Plaintiff will substitute the true names, identities, capacities, acts and/or omissions of the DOE Defendants when the same are ascertained.

5. All of the acts and occurrences alleged herein occurred within the City and County of Honolulu, State of Hawaii.

6. On or about July 16, 2016, Plaintiff was exiting the ladies' restroom at the Ross Dress for Less, owned and operated by Defendant Ross and located at 711 Keeaumoku Street in the City and County of Honolulu, when she slipped and fell on a wet floor. The fall caused Plaintiff to strike her head and sustain significant personal injuries, including a fractured right femur that required open reduction internal fixation surgical repair.

7. Upon information and belief, Defendant Ross is the owner and possessor of land located at 711 Keeaumoku Street in the City and County of Honolulu, where it owns and operates a retail store open to the public and doing business as Ross Dress for Less.

8. Plaintiff was an invitee of the Ross Dress for Less at the aforementioned location and Defendant Ross had a duty of care, including a special relationship as a premises owner and possessor, to warn Plaintiff of any unreasonable risks of harm on the premises and to make the premises safe for Plaintiff upon entry upon the premises.

9. Defendant Ross knew or should have known of the unreasonable risk of harm posed by the puddle of water on the floor outside the restroom.

10. Defendant Ross breached its duty of care owed to Plaintiff when it failed to take reasonable steps to eliminate or warn of the unreasonable risk of harm posed by the aforementioned puddle of water. Defendant Ross's conduct was negligent and committed with reckless disregard for the rights and safety of Plaintiff.

11. Defendant Ross is vicariously liable for the negligence of its agents and/or employees through the doctrine of *respondeat superior*.

12. As a direct and proximate result of the negligence of Defendant Ross and DOE Defendants, Plaintiff suffered and continues to suffer from damages including, but not limited to: past and future medical and related expenses; past and future pain and suffering; disability and disfigurement; past and future loss of enjoyment of life; past and future serious mental anguish and emotional distress; past and future loss of income and other employment benefits; impairment of earning capacity; and property damage for which she is entitled to compensation in amounts to be proven at trial.

WHEREFORE, Plaintiff Siitia Crichton prays for relief against the above-named Defendants and DOE Defendants, jointly and severally, as follows:

- a. For general and special damages in amounts that will be proven at trial,
- b. For costs and attorney's fees,

- c. For prejudgment and post-judgment interest, and,
- d. For such other relief deemed just and appropriate under the circumstances.

DATED: Honolulu, Hawaii, OCT 17 2017.



RANDALL L.K.M. ROSENBERG
JAMES C. GLENN
Attorneys for Plaintiff

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

SIITIA CRICHTON,)	Civil No. <u>17 - 1 - 1686 - 10 K K H</u>
)	(Other Non-Motor Vehicle Tort)
Plaintiff,)	
)	SUMMONS
vs.)	
)	
ROSS DRESS FOR LESS, INC. and JOHN)	
DOES 1-10,)	
)	
Defendants.)	
<hr/>		

SUMMONS

STATE OF HAWAII

To the above-named Defendants:

You are hereby summoned and required to file with the court and to serve upon ROSENBERG McKAY HOFFMAN, Plaintiff's attorneys, whose address is 737 Bishop Street 2350 Mauka Tower, Pacific Guardian Center, Honolulu, Hawaii 96813, an answer to the Complaint, which is herewith served upon you, within twenty (20) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

This summons shall not be personally delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the general public, unless a judge of the above-entitled court permits, in writing on this summons, personal delivery during those hours.

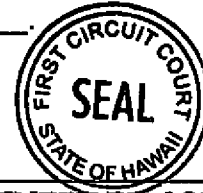
Exhibit "A"

A failure to obey this summons may result in an entry of default and default judgment against the disobeying person or party.

DATED: Honolulu, Hawaii, _____

OCT 17 2017

F. OTAKE



CLERK OF THE ABOVE-ENTITLED COURT